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June 17, 2008

County Counsel
Stephen Raab, Esq.
3501 Civic Center Drive, Room 303
San Rafael, CA 94903

Re: Karl L. Finley v. County of Marin, et al.
U.S. District Court, Northern District of CA Case No. C 07-05922 TEH

Dear Mr. Raab:

Today's discussion concerns me. In your letter of June 4, you requested that I call you to discuss this discovery dispute. I called to talk to you about producing Ms. Daube for deposition in the near future. You replied that you had sent me another letter. I explained that I have not received your letter but wanted to take this opportunity to resolve this dispute now without trading more letters back and forth. You stated that you do not believe you have waived any of your objections based on the "totality of the circumstances" which you were unable to define. Instead, you referred me again to a letter that I have not received. I explained that if Ms. Daube needs more time to appear for deposition and/or to produce responsive documents I am more than willing to be reasonable and wait another couple of weeks. However, it has been almost two months since she was served with plaintiff's subpoena.

Your response was that Ms. Daube will not be produced "without a motion." I believe this attitude constitutes bad faith. You are avoiding any real discussion and appear content to engage in a letter writing campaign. This tactic defeats the meet and confer process. You are giving me no choice but to prepare a motion to compel and seek appropriate sanctions. If you change your mind, please let me know.

Very truly yours,
KAHN BROWN & POORE LLP


Scott A. Brown